



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Office of Administrative Hearings

The Office of Administrative Hearings (OAH) is an independent agency which decides contested cases from the jurisdiction of approximately 25 District of Columbia administrative agencies, boards and commissions. OAH functions as a neutral, impartial administrative court system and is charged with implementing reforms and harmonizing rules and procedures to improve fairness and efficiency. OAH ensures that constitutional rights are protected and statutes and regulations are enforced fairly.

The mission of OAH is to enhance the quality of life in the District of Columbia by providing citizens and government agencies with a fair, efficient, and effective system to manage and resolve administrative litigation arising under District of Columbia law. By providing quality administrative adjudication services for the District of Columbia's system of administrative justice, OAH fosters public confidence in local government and promotes higher levels of voluntary compliance that ensure greater health, safety, and well-being in the communities of the District.

Cases are decided by more than thirty (30) administrative law judges who are selected by an independent commission on selection and tenure, based on their extensive experience as lawyers. This selection process is designed to insulate the judges from influence by the government agencies prosecuting cases.

OAH adjudicates cases formerly under the jurisdiction of certain District of Columbia agencies, boards and commissions, including:

- Board of Appeals and Review
- Child and Family Services Agency
- Child Support
(limited to financial seizure cases)
- Department of Consumer and Regulatory Affairs
- Department of Employment Services
(limited to unemployment insurance cases)
- Department of Environment
- Fire and Emergency Medical Services
(limited to civil infractions)
- Department of Health
- Department of Human Services
- Department of Mental Health
- Department of Public Works and Department of Transportation
(limited to cases brought under the Litter Control Administration, Illegal Dumping Enforcement, Excavation of Rights of Way and Urban Forestry Acts)
- Office of Energy
(energy assistance and gas station conversion cases)
- Office of Planning
(limited to historic preservation violations)
- Office of Tax and Revenue
- Rental Housing
- Taxicab Commission
- Department of Insurance, Securities & Banking
(formerly the Department of Banking and Financial Institutions)
- Metropolitan Police Department
(limited to security officer licensing, gun registration and litter control)

How Do OAH Cases Proceed?

OAH hears most cases at the trial level, but in some cases acts as an appellate body. For example, certain former Board of Appeals and Review cases come to OAH as an appeal of a decision below, while Department of Human Services cases come to OAH for the initial hearing.

In cases that are filed by the Government for a violation of a regulation, the Government initiates the case by filing a Notice of Violation (NOV) or Notice of Infraction (NOI). Proper service of the NOV or NOI is the responsibility of the government enforcement agency charging the violation. Respondents may plead Admit and pay the fine, Deny and request an in-person hearing, or Admit with Explanation and request that the fine sought by the Government be suspended or reduced. Admit with Explanation pleas are generally handled on the papers filed with OAH and do not require an in-person hearing. Default cases are also resolved on the papers.

In cases that are filed by a private party against the Government (such as MPD cases) or by a private party against another private party (such as Unemployment Insurance cases), the initiating party commences the case by filing a request for a hearing with OAH. The request for a hearing may be filed on a form provided by OAH or any other legible document. Telephone requests for hearings are also accepted in certain public benefits cases. OAH then issues a scheduling order setting a hearing date.

Generally, all hearings are conducted in person, but a party can file a motion to participate by telephone.

All proceedings are digitally recorded. A party can obtain a recording of the proceeding by purchasing a CD through the OAH Clerk's office.

Evidentiary hearings proceed as they typically do in court. Testimonial evidence is taken through direct and cross examination. Documentary evidence may be admitted. Hearsay evidence is admissible, but it may be given limited consideration. Discovery may be conducted in certain cases with the permission of the administrative law judge.

Unless otherwise ordered by the ALJ, motions can be made pre-hearing, during the hearing or after the hearing.

ALJs issue written interlocutory (non-final) and final orders that include findings of fact and conclusions of law.

OAH uses the Language Access Line to provide language interpretation services. Sign language interpretation can also be provided on request.

What laws govern OAH proceedings?

OAH hears contested administrative agency cases. The statute creating OAH is found at D.C. Official Code Section 2-1831.03. OAH Rules of Practice and Procedure can be located at 1 DCMR 2800 – 2899 and Chapter 29. The OAH Rules state in detail how cases are commenced at OAH and procedures to be followed from initial filing through the appeals process. Both the statute and rules are available online at the OAH website, which is www.oah.dc.gov.

The District of Columbia Administrative Procedure Act (DCAPA), D.C. Official Code Sections 1-1501 – 1542 (2001 ed.), governs contested administrative agency cases. Contested cases are trial type proceedings in which a hearing is required by statute or constitutional right. The DCAPA establishes uniform procedures for hearings. It provides for notice, participation, an impartial decisionmaker, and written findings of fact and conclusions of law.

Some agencies over which OAH has jurisdiction to hear cases have their own statutes and regulations. In public benefit cases, for example, local statutes and regulations as well as Federal laws apply. Additionally, cases decided by courts must be followed. D.C. statutes are published in the D.C. Official Code, which is available online, at District of Columbia public libraries and at law school libraries. Additionally, each agency publishes its own regulations. Agency regulations are published in the District of Columbia Municipal Regulations (DCMR). The

supplement to the DCMR is the D.C. Register, which is a governmental weekly publication. The D.C. Register is available at some libraries and in the District's Office of Documents at 441 4th Street, N.W. and at www.dc.gov. Court cases are found in reporters at law libraries and in slip opinions issued by courts.

Select OAH decisions are available on LEXIS and at www.oah.dc.gov.

Other helpful library resources include:

District of Columbia Practice Manual, "Administrative Proceedings", published by and available through the District of Columbia Bar.

Where can I get forms and other papers for OAH proceedings?

As of the time of publication of this pamphlet, OAH has the following forms available for use to litigants:

- Blank submission form
- Certificate of Service
- Exhibit List
- Motion for Appearance by Telephone
- Motion for Continuance
- Motion for Extension of Time
- Motion to Reopen Abatement Action
- Notice of Appearance
- Rental Housing - Request for a New Hearing
- Request for Audio Recording of Hearing
- Request for Copy of Record
- Request for a Hearing in a Public Benefits Case
- Request for Hearing to Appeal a Determination by a Claims Examiner Involving Unemployment Benefits
- Summary Motion for Dismissal of Charge(s) or Reduction of Fine(s)
- Subpoena and Proof of Service (for service of a subpoena)

- Taxpayer's Protest of a Proposed Assessment
- Telephone Hearing Request Form

These forms are available at each OAH location listed in this pamphlet.

Additionally, some of these forms are available on the OAH website, which is www.oah.dc.gov.

Is representation required?

Although OAH is an administrative court, procedures are kept simple to permit parties to use OAH without a lawyer. Individuals may represent themselves in OAH proceedings. Corporations, partnerships, and other private legal entities may be represented by duly authorized officers, directors, general partners, or employees. Additionally, in certain circumstances, a party may be represented for free by an individual, family member, or a person or entity with whom they had a prior contractual relationship related to the subject matter of the case. However, cases can be complicated and legal advice and representation may be helpful.

Only attorneys who are active members in good standing of the District of Columbia Bar, or who are otherwise authorized to practice law in the District of Columbia under specific rules, or granted permission to appear *pro hac vice* may represent parties before OAH.

Law students from *pro bono* legal clinics may appear before OAH with the consent and oversight of their supervising attorney.

OAH Rules 2838 and 2839 govern representation at OAH proceedings and requirements concerning entry of appearance by representatives.

OAH has a list of agencies that offer *pro bono* legal assistance in OAH proceedings for qualifying individuals.

The Office of Administrative Hearings has four (4) locations.

Because locations for hearings may vary, due to courtroom availability and shortage and scheduling needs, parties should carefully check their hearing notices for the location of any hearings.

Please use the addresses listed below for Hearings and in-person filings:

Fire and Emergency Medical Services,
Department of Human Services,
Department of Transportation,
Office of Energy (energy assistance),
Cases formerly under the Board of
Appeals and Review:

Office of Administrative Hearings
441 4th Street, NW
Suite 540 South
Washington, DC 20001-2714
Phone: (202) 727-8280
Fax: (202) 737-3497

Rental Housing,
Department of Consumer & Regulatory
Affairs cases,
Department of Employment Services
(Unemployment Insurance Cases):

Office of Administrative Hearings
941 North Capitol Street, NE
Suite 9100
Washington, DC 20002-4210
Phone: (202) 442-8167
Fax: (202) 442-9451
Fax (Rental Housing): (202) 478-1463

Department of Public Works:

Office of Administrative Hearings
441 4th Street, NW
Suite 870 North
Washington, DC 20001-2714
Phone: (202) 741-5208
Fax: (202) 724-4129

Department of Insurance, Securities &
Banking,
Department of Environment,
Department of Health,
Department of Mental Health,
Child and Family Services Agency,
Office of Energy (gas station conversions),
Office of Planning (historic preservation
violations only),
Office of Tax and Revenue,
Taxicab Commission:

Office of Administrative Hearings
825 North Capitol Street, NE
Suite 4150
Washington, DC 20002-4210
Phone: (202) 442-9094
Fax: (202) 442-4789

Parties may submit filings at any location, regardless of the location for their hearing.

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